

CATEGORICAL EXCLUSION/DECISION RECORD

Project Name: Road Right-of-Way (R/W) OR 64339 and Associated Utility R/W Actions OR 22857 and OR 65266.

CE OR116-08-18

Location: See description below and attached.

BLM Office: Ashland R.A., Medford District. Phone # (541) 261-3545

DESCRIPTION OF THE PROPOSED ACTION:

The proposed action is to authorize a road right-of-way grant to a private land owner for use of an existing road, on BLM land in Section 3, T. 37 S., R. 4 W., W.M, for ingress and egress to their privately owned land. This road is located in the Left Fork of Birdseye Creek drainage. Most of this road is over private lands but approximately 450 feet crosses BLM land. The road right-of way grant would be only for that portion of the road on BLM land. The applicant's private land is a 40 acre parcel (T.L. 1100) in the same Section. The R/W would be granted to the applicant for a 30 year term.

There are also two related actions which are also included in this project. Qwest has filed an application, OR 65266, with this office to place a new buried utility line within the existing road prism along the same stretch of road. PacifiCorp has also filed an application, amendment OR 22857, to modify their current R/W authorization (for a buried line), and add a second buried line, and install a surface mounted switch box. Both of these actions are proposed in order to serve the road applicant with utility service for his residential development. All three actions are being included under one CE because they all involve the same stretch of road on BLM and they all serve the private parcel owned by the applicant.

The following PDFs are required:

- 1) All ground disturbing activities, such as excavation of the road prism or ditch line to allow installation of the utility lines, would be limited to dry season work only (June 15 to October 15). Work may take place prior to June 15 if soil moisture is less than 20 percent by weight at a three inch depth. Work prior to June 15 is to be approved by a BLM watershed specialist.
- 2) All ground disturbing activities will be halted for 48 hours following a precipitation event that equals or exceeds 0.2" of rain in a 24 hour period; and
- 3) Erosion control measures, such as mulching (certified weed free), seeding, rock surfacing, silt fencing, etc, will be implemented to minimize the transport of sediment from the disturbed areas down the road or ditch towards any stream channels.

PLAN CONFORMANCE

The proposed action is in compliance with and is tiered to the *Medford District Record of Decision and Resource Management Plan (RMP)* as amended by the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from the Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* (USDI 2007). The 1995 Medford District Resource Management Plan incorporated the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (Northwest Forest Plan) (USDA and USDI 1994).

The proposed action is in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

CATEGORICAL EXCLUSION REVIEW

This proposed action qualifies as a categorical exclusion under 516 DM 11.9 E (16). The proposed action has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2 apply. The proposed action will:

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
()	(X)	1. Have significant adverse effects on public health or safety.
()	(X)	2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
()	(X)	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan.
()	(X)	4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
()	(X)	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
()	(X)	6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)).
()	(X)	7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
()	(X)	8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
()	(X)	9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
()	(X)	10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).
()	(X)	11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
()	(X)	12. Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Joe Hoppe	Realty Specialist	2-20-2008
Prepared by	Title	Date

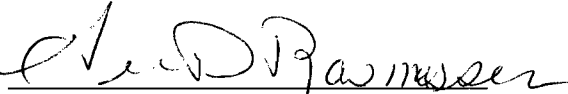
Kristi Mastrofini	Environmental Coordinator	March 22, 2008
Reviewed and Edited by	Title	Date

SUMMARY OF FINDINGS

The proposed action has been reviewed against the twelve criteria listed above for an exception to a categorical exclusion and does not fall under any exception as identified in 516 DM 2, Appendix 2. Therefore, this project is categorically excluded from NEPA documentation under 516 DM 11.9, E (16).

DECISION

Based on this NEPA CATEGORICAL EXCLUSION REVIEW, I have determined that the proposed action qualifies as a categorical exclusion under 516 DM 2 Appendix 2 and Section 11.9 E (16) involves no significant impact to the human environment and that no further environmental analysis is required. It is my decision to authorize the requested road R/W grant (OR 64339) and approve the other two R/W actions to PacificCorp and Qwest as described above in the Proposed Action.

for 

John Gerritsma
Field Manager; Ashland Resource Area

4/25/08
Date

EFFECTIVE DECISION DATE

This decision is effective upon signing by the authorized officer and shall remain in effect pending any appeal (43 CFR Part 2801.10(b)).